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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91187465
Party	Defendant LIBERTY PETROLEUM, LLC
Correspondence Address	THOMAS W. COLE ROBERTS, MLOTKOWSKI Safran & Cole P.C. PO Box 10064 MC LEAN, VA 22102 UNITED STATES tcole@rmsclaw.com
Submission	Other Motions/Papers
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Date	02/15/2010
Attachments	742160-19ApplicantsDisclosureofExpertWitness.pdf ( 3 pages )(51955 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Davis Industries, Inc.	
OPPOSER	Opposition No.: 91187465
v.	Serial Nos.: 77411015, 77410925,
Liberty Petroleum, LLC	77410965 AND 7741091
APPLICANT	Marks: LIBERTY and
	LIBERTY + DESIGN

**APPLICANT’S DISCLOSURE OF EXPERT WITNESS**

Liberty Petroleum, LLC (hereinafter referred to as “Applicant”) by its attorney, hereby discloses to Davis Industries, Inc. (hereinafter referred to as “Opposer”) of its intention to call on the following person as an expert witness in this proceeding:

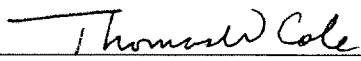
Mr. James M.E. Mixter, Jr., a former executive of ExxonMobil Corporation, residing at 3367 V. Lane, Oakton, Virginia 22124.

Mr. Mixter will testify with respect to the Second Affirmative Defense set forth in Applicant’s Answer to Opposer’s Opposition, and in particular to the allegation set forth therein that:

1. The mark LIBERTY + Design sought to be registered by Applicant is substantially identical in appearance (differing only by stylization and /or a design element) and in the recitation of goods and services to the word mark LIBERTY in Registration No. 2,669,918, and LIBERTY + Design in Registration Nos. 2,307,665 and 2,669,919.

Respectfully submitted,

Date: February 15, 2010

  
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Thomas W. Cole

Roberts Mlotkowski Safran & Cole P.C.  
P.O. Box 10064  
McLean, VA 22102  
Telephone: (703) 677-3001  
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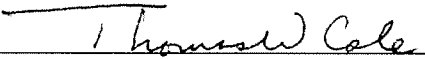
*Attorneys for Applicant*

**Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record both by first class mail, facsimile and email (by agreement only) to Davis Industries' counsel, Robert J. Carlson, Christensen O'Connor Johnson Kindness PLLC located at 1420 Fifth Avenue, Suite 2800, Seattle, Washington 98101 on this date.

Respectfully submitted,

Date: February 15, 2010

  
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